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REMARKS

Claims 47-51 and 53-62 are pending in the application with claims 55-58 and 61 withdrawn from consideration, claims 47 and 59 amended herein, and claim 52 previously cancelled.

Applicant notes that a Supplemental IDS was filed on October 17, 2002 along with the RCE of the same date. Applicant confirmed in the Office's on-line PAIR database that the IDS was received and entered into the file. Even so, Applicant did not receive a returned copy of the Form PTO-1449 with the Examiner's initials indicating consideration of the cited references. Applicant requests consideration of the references and return of the initialed form with the next Office Action. This is Applicant's second request for same.

Applicant asserts that claims 55-58 and 61 are improperly withdrawn and requests reinstatement and consideration of same in the next Office Action. Page 2 of the Office Action improperly alleges that such newly amended claims set forth an invention that is independent or distinct from the invention originally claimed. Apparently, the Office is of the mistaken opinion that the originally claimed invention was reflected in the claims pending after filing of an amendment accompanying an RCE filed October 17, 2002.

However, the originally claimed invention that was originally searched by the Office was instead reflected in the claims pending at the time of filing on June 13, 2001. Independent claim 47 was originally presented as generic both to the Cu-Pd embodiment of current claim 47 and to the Al-Pd embodiment of current claim 55. Independent claim 47 remained generic even after the amendment of

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April 25, 2002. The Office had more than ample opportunity to search for art disclosing an Al-Pd embodiment material to original claim 47. It is thus improper for the Office to now assert that amended claims 55-58 and 61 set forth an invention that is independent or distinct merely because Applicant presented such claims as narrowed in scope compared to the originally filed independent claim 47.

The Office Action relies upon MPEP § 821.03 as authority for the claim withdrawal, however, MPEP § 821.03 does not authorize the action taken since the subject matter of claims 55-58 and 61 is within the scope of an invention previously claimed. Pursuant to 37 CFR 1.142(b), Applicant requests reinstatement of the withdrawn claims in the next Office Action.

Claims 47-51, 53, 54, 59, 60 and 62 stand rejected under 35 USC 103(a) as being unpatentable over Tobben in view of Obeng. Applicant requests reconsideration.

Claim 47 is amended herein to set forth an integrated circuit that includes, among other features, an insulation layer enclosing integrated circuit wiring and a bond pad opening extending into the insulation layer, the bond pad opening having sidewalls and partially exposing the wiring along the sidewalls. Tobben and Obeng considered alone or in combination do not disclose or suggest such a feature. Claim 47 also sets forth a conductive layer containing copper over the substrate and only partially filling the bond pad opening. Tobben and Obeng considered alone or in combination do not disclose or suggest such a feature. Claim 47 further sets forth a layer of intermetallic material within the layer

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comprising copper, the intermetallic material layer defining a bond pad with an outermost surface that is topographically below an outermost surface of the insulation layer immediately surrounding the bond pad opening. Tobben and Obeng considered alone or in combination do not disclose or suggest such a feature. The amendments to claim 47 are supported at least by pages 15-17 of the present specification.

Tobben in view of Obeng fail to disclose or suggest every element of claim 47 and claim 47 is thus patentable. Claims 48-51, 53, 54, and 60 depend from claim 47 and are patentable at least for such reason as well as for the additional limitations of such claims not disclosed or suggested.

Claim 59 is amended herein to set forth an integrated circuit that includes, among other features, an insulation layer enclosing integrated circuit wiring and a bond pad opening extending into the insulation layer, the bond pad opening having sidewalls and partially exposing the wiring along the sidewalls. Tobben and Obeng considered alone or in combination do not disclose or suggest such a feature. Claim 59 also sets forth a layer consisting of copper over the substrate and only partially filling the bond pad opening. Tobben and Obeng considered alone or in combination do not disclose or suggest such a feature. Claim 59 further sets forth a layer of intermetallic material over the copper layer, the intermetallic material layer defining a bond pad with an outermost surface that is topographically below an outermost surface of the insulation layer immediately surrounding the bond pad opening. Tobben and Obeng considered alone or in combination do not disclose or suggest such a feature.

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Tobben in view of Obeng fail to disclose or suggest every element of claim 59 and claim 59 is thus patentable. Claim 62 depends from claim 59 and is patentable at least for such reason as well as for the additional limitations of such claims not disclosed or suggested.

Claims 47-51, 53, 54, 59, 60 and 62 stand rejected under 35 USC 103(a) as being unpatentable over Chang. Applicant requests reconsideration. Applicant asserts that review of Chang reveals that such reference also does not disclose the features asserted above as absent from Tobben in view of Obeng. At least for such reason, 47-51, 53, 54, 59, 60 and 62 are patentable over Chang.

Respectfully submitted,

Dated: _____

By: _____
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